

REFERENCE TITLE: peace officer standards appeals commission

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1128**

Introduced by  
Senator Verschoor

AN ACT

AMENDING SECTION 41-1822, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1828.02; RELATING TO THE ARIZONA PEACE OFFICER STANDARDS APPEALS COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 41-1822, Arizona Revised Statutes, is amended to  
3 read:  
4                  41-1822. Powers and duties of board; definition  
5       A. With respect to peace officer training and certification, the board  
6 shall:  
7                  1. ~~Establish~~ ADOPT rules for the government and conduct of the board,  
8 including meeting times, MEETING places and matters to be placed on the  
9 agenda of each meeting.  
10          2. Make recommendations, consistent with this article, to the  
11 governor, the speaker of the house of representatives and the president of  
12 the senate on all matters relating to law enforcement and public safety.  
13          3. Prescribe reasonable minimum qualifications for officers to be  
14 appointed to enforce the laws of this state and the political subdivisions of  
15 this state and certify officers in compliance with these qualifications.  
16 Notwithstanding any other law, the qualifications shall require United States  
17 citizenship, shall relate to physical, mental and moral fitness and shall  
18 govern the recruitment, appointment and retention of all agents, peace  
19 officers and police officers of every political subdivision of this  
20 state. The board shall constantly review the qualifications established by  
21 this section and may amend the qualifications at any time, subject to the  
22 requirements of section 41-1823.  
23          4. Prescribe minimum courses of training and minimum standards for  
24 training facilities for law enforcement officers. Only this state and  
25 political subdivisions of this state may conduct basic peace officer  
26 training. Basic peace officer academies may admit individuals who are not  
27 peace officer cadets only if a cadet meets the minimum qualifications  
28 established by paragraph 3 of this subsection. Training shall include:  
29                  (a) Courses in responding to and reporting all criminal offenses that  
30 are motivated by race, color, religion, national origin, sexual orientation,  
31 gender or disability.  
32                  (b) Training certified by the director of the department of health  
33 services with assistance from a representative of the board on the nature of  
34 unexplained infant death and the handling of cases involving the unexplained  
35 death of an infant.  
36                  (c) Medical information on unexplained infant death for first  
37 responders, including awareness and sensitivity in dealing with families and  
38 child care providers, and the importance of forensically competent death  
39 scene investigations.  
40                  (d) Information on the protocol of investigation in cases of an  
41 unexplained infant death, including the importance of a consistent policy of  
42 thorough death scene investigation.  
43                  (e) The use of the infant death investigation checklist pursuant to  
44 section 36-2293.

1                 (f) If an unexplained infant death occurs, the value of timely  
2 communication between the medical examiner's office, the department of health  
3 services and appropriate social service agencies that address the issue of  
4 infant death and bereavement, to achieve a better understanding of these  
5 deaths and to connect families to various community and public health support  
6 systems to enhance recovery from grief.

7                 5. Recommend curricula for advanced courses and seminars in law  
8 enforcement and intelligence training in universities, colleges and community  
9 colleges, in conjunction with the governing body of the educational  
10 institution.

11                 6. Make inquiries to determine whether this state or political  
12 subdivisions of this state are adhering to the standards for recruitment,  
13 appointment, retention and training established pursuant to this  
14 article. The failure of this state or any political subdivision to adhere to  
15 the standards shall be reported at the next regularly scheduled meeting of  
16 the board for action deemed appropriate by that body.

17                 7. Employ an executive director and other staff as are necessary to  
18 fulfill the powers and duties of the board in accordance with the  
19 requirements of the law enforcement merit system council.

20                 B. With respect to state department of corrections correctional  
21 officers, the board shall:

22                 1. Approve a basic training curriculum of at least two hundred forty  
23 hours.

24                 2. Establish uniform minimum standards. These standards shall include  
25 high school graduation or the equivalent and a physical examination as  
26 prescribed by the director of the state department of corrections.

27                 3. Establish uniform standards for background investigations,  
28 including criminal histories under section 41-1750, of all applicants before  
29 enrolling in the academy. The board may adopt special procedures for  
30 extended screening and investigations in extraordinary cases to ensure  
31 suitability and adaptability to a career as a correctional officer.

32                 4. Issue a certificate of completion to any state department of  
33 corrections correctional officer who satisfactorily complies with the minimum  
34 standards and completes the basic training program. The board may issue a  
35 certificate of completion to a state department of corrections correctional  
36 officer who has received comparable training in another state if the board  
37 determines that the training was at least equivalent to that provided by the  
38 academy and if the person complies with the minimum standards.

39                 5. Establish continuing training requirements and approve curricula.

40                 C. The board may:

41                 1. Deny, ~~suspend, revoke or cancel~~ the certification of an officer who  
42 is not in compliance with the qualifications established pursuant to  
43 subsection A, paragraph 3 of this section.

44                 2. Provide training and related services to assist state, tribal and  
45 local law enforcement agencies to better serve the public.

1       3. Enter into contracts to carry out its powers and duties.

2       4. REFER MATTERS RELATING TO THE SUSPENSION, REVOCATION OR  
3 CANCELLATION OF THE CERTIFICATION OF AN OFFICER TO THE ARIZONA PEACE OFFICER  
4 STANDARDS APPEALS COMMISSION FOR CONSIDERATION PURSUANT TO SECTION  
5 41-1828.02.

6       D. This section does not create a cause of action or a right to bring  
7 an action, including an action based on discrimination due to sexual  
8 orientation.

9       E. ~~As used in~~ FOR THE PURPOSES OF this section, "sexual orientation"  
10 means consensual homosexuality or heterosexuality.

11      Sec. 2. Title 41, chapter 12, article 8, Arizona Revised Statutes, is  
12 amended by adding section 41-1828.02, to read:

13      41-1828.02. Arizona peace officer standards appeals commission;  
14                   membership; powers and duties

15      A. THE ARIZONA PEACE OFFICER STANDARDS APPEALS COMMISSION IS  
16 ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

17      1. ONE SHERIFF MEMBER FROM THE ARIZONA PEACE OFFICER STANDARDS AND  
18 TRAINING BOARD WHO IS APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 41-1821,  
19 SUBSECTION A, PARAGRAPH 1.

20      2. ONE POLICE CHIEF MEMBER FROM THE ARIZONA PEACE OFFICER STANDARDS  
21 AND TRAINING BOARD WHO IS APPOINTED BY THE GOVERNOR PURSUANT TO SECTION  
22 41-1821, SUBSECTION A, PARAGRAPH 2.

23      3. ONE CERTIFIED LAW ENFORCEMENT OFFICER MEMBER FROM THE ARIZONA PEACE  
24 OFFICER STANDARDS AND TRAINING BOARD WHO IS APPOINTED BY THE GOVERNOR  
25 PURSUANT TO SECTION 41-1821, SUBSECTION A, PARAGRAPH 8.

26      4. TWO PUBLIC MEMBERS FROM THE ARIZONA PEACE OFFICER STANDARDS AND  
27 TRAINING BOARD WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 41-1821,  
28 SUBSECTION A, PARAGRAPH 9.

29      5. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

30      6. THE ATTORNEY GENERAL.

31      B. ANY VACANCY SHALL BE FILLED ON THE SAME BASIS AS THE ORIGINAL  
32 APPOINTMENT.

33      C. THE GOVERNOR MAY ONLY REMOVE A MEMBER FOR CAUSE.

34      D. MEMBERS OF THE COMMISSION ARE NOT ELIGIBLE TO RECEIVE COMPENSATION  
35 BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER  
36 4, ARTICLE 2.

37      E. THE COMMISSION SHALL ADOPT RULES FOR THE GOVERNMENT AND CONDUCT OF  
38 THE COMMISSION, INCLUDING MEETING TIMES, MEETING PLACES AND MATTERS TO BE  
39 PLACED ON THE AGENDA OF EACH MEETING.

40      F. THE COMMISSION MAY SUSPEND, REVOKE OR CANCEL THE CERTIFICATION OF  
41 AN OFFICER WHO IS NOT IN COMPLIANCE WITH THE QUALIFICATIONS ESTABLISHED  
42 PURSUANT TO SECTION 41-1822, SUBSECTION A, PARAGRAPH 3.